

REMARKS

Claims 1-26 are pending in this application. Applicant notes that claims 1-13 were filed in a parent application and claims 14-26 were added in the Second Preliminary Amendment filed on February 27, 2001. Claim 1 was amended in the Second Preliminary Amendment.

In an Office Action dated May 6, 2004, the Examiner rejected claims 1-2, 14-15, and 24-25 under 35 U.S.C. § 102(b) as being anticipated by Mann et al., "An Algorithm for Data Replication" (hereafter, Mann et al.) and objected to claims 3-6, 7-13, 16-23, and 26.

Response to Requirement for Information

In the Office Action, the Examiner stated that information incorporated by reference in the specification is required pursuant to 37 C.F.R. § 1.105. Accordingly, pursuant to M.P.E.P. § 704.12, Applicant files this Response to Requirement for Information including a copy of the requested book, i.e., Davis, R.J., VAXCLUSTER Principles (Digital Press 1993).

Section 102(b) Rejections

Regarding the section 102(b) rejections of claims 1-2, 14-15, and 24-25, to anticipate the claims, the Examiner must establish that Mann et al. teach every element of the rejected claims. M.P.E.P. § 2131.01 (8th ed. 2001, revised February 2003). Because the Examiner has not shown a teaching of every element of claims 1-2, 14-15, and 24-25 in the reference, Applicant respectfully requests the withdrawal of the section 102(b) rejections.

Mann et al. teaches a data replication algorithm with a master and many slave devices. During the “service” phase, the master determines whether its slavery agreement with each slave is valid (i.e., the slavery agreement time period has not expired) and sends write commands to those slaves that still have valid slavery agreements. (Mann et al., pp. 16-17.) To synchronize its slaves in a “recovery” phase, the master computes an epoch variable and sets this new epoch variable in each of its active slaves. (Id., p. 21, ¶ 4.) To indicate that the data stored by any inactive slaves is outdated, the master does not set the new epoch variable in its inactive slaves. (Id., p. 20, ¶ 3.) When a new master must be chosen in an “election” phase, the algorithm determines which slaves are up-to-date by checking the epoch variables. (Id., p. 19, ¶ 1.)

Claim 1 recites, among other things, a method including the steps of sending an access request that includes a second unique value representing a second configuration of a multinode system and determining whether the second unique value is identical to a first unique value representing a first configuration of the multinode system. The Examiner has not shown that Mann et al. teaches this combination of claim elements. Instead, the Examiner relies upon the reference’s disclosure of comparing epoch variables to identify out-of-date slaves during an election. However, the epoch values of the reference are not included in an access request, as recited in claim 1. As Mann et al. clearly states, epoch variables are used during system election (i.e., choosing a new master) and recovery (i.e., restarting the system) and slavery

agreements are consulted during service (i.e., accepting and processing requests from clients). (Mann et al., p. 12, ¶ 4; p. 20, § 3.)

Even if the Examiner is interpreting the slavery agreements of the reference as disclosing these claim elements, Mann et al. still fails to teach an access request that includes a second unique value representing a second configuration of the system. As the reference clearly states, to process a read/write request, the master determines whether a slave's agreement has expired (i.e., whether the current time is less than the agreement's expiration time, described in the StillMaster procedure) and then sends the data to be written to the slave. (Id., p. 18, pseudo-code.) The Examiner has simply shown no teaching in the reference of determining whether a second unique value included in an access request is identical to a first unique value representing a first configuration of the system.

Because the Examiner has not shown that Mann et al. teaches every element of claim 1, Applicant requests the withdrawal of the section 102(b) rejections of claim 1 and its dependent claim 2.

Claim 14 recites, among other things, a reception module configured to receive an access request including a second unique value representing a second configuration of a multinode system and a comparator configured to determine whether the second unique value is identical to a first unique value representing a first configuration of the multinode system. As discussed above with reference to claim 1, the Examiner has not shown that Mann et al. teaches this combination of claim elements. Therefore,

Applicant requests the withdrawal of the section 102(b) rejections of claim 14 and its dependent claim 15.

Claim 24 recites, among other things, sending an access request including a second unique value representing a second configuration of a multinode system and determining whether the second unique value is identical to a first unique value representing a first configuration of the multinode system. As discussed above with reference to claim 1, the Examiner has not shown that Mann et al. teaches this combination of claim elements. Therefore, Applicant requests the withdrawal of the section 102(b) rejections of claim 24 and its dependent claim 25.

Allowable Subject Matter

In the Office Action, the Examiner objected to claims 3-6, 7-13, 16-23, and 26, stating that they contain allowable subject matter and would be allowable if rewritten in independent form. Applicant notes that claims 7 and 17 are currently in independent form and therefore should be in condition for immediate allowance. Furthermore, claims 8-13 and claims 18-23 depend from claims 7 and 17, respectively. Therefore claims 8-13 and 18-23 should be in condition for allowance because they currently depend from allowable independent claims.

Regarding claims 3-6, 16, and 26, Applicant submits that the respective underlying claims (i.e., claims 1, 14-15, and 24-25) are allowable for the reasons set forth above. Accordingly, Applicant requests the withdrawal of the objections to claims 3-6, 16, and 26 at least because they depend from allowable claims.

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In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

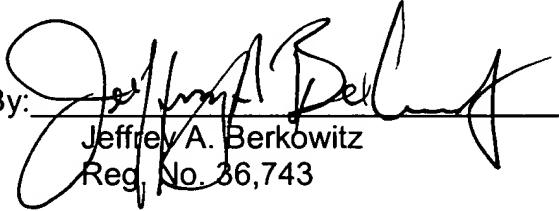
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 6, 2004

By:


Jeffrey A. Berkowitz
Reg. No. 36,743

Attachment: Davis, R.J., VAXCLUSTER Principles (Digital Press 1993)